

- student traffic citations.
 - b. The Tribunal will consist of a minimum of four (4) members and rule by majority vote.
 - c. The Tribunal will meet at a minimum of every two weeks and report findings in writing to the student who appealed, Public Safety/Campus Police and the Business Office.
 - d. Students may further appeal the Tribunal's decision in accordance with the procedures established in the Code of Student Conduct, 0240-3-1.05-(5).
 - e. When the University is not in session, the associate vice president for Student Affairs, or designee, will hear and decide appeals and announce results in the same manner as the Tribunal.
3. Faculty/Staff Appeals. A committee consisting of faculty and staff shall hear all faculty and staff citation appeals at least once per semester and report results in the same manner as the Tribunal.

APSU STUDENT RIGHTS

Notification of Rights Under FERPA

FERPA is the acronym for the Family Educational Rights and Privacy Act. Originally enacted in 1974 as part of a bill extending the Elementary and Secondary Education Act of 1965, it has been amended over the years since. FERPA was enacted as a series of civil rights legislation, designed to assert and protect the rights of students and their parents. Its primary purpose was two-fold: to assure parents of students' access to their education records and to protect such individuals' rights to privacy by limiting the transferability of their records without their consent.

Can a school disclose information to parents in a health or safety emergency?

Yes. Austin Peay State University is permitted to disclose information from education records to parents if a health or safety emergency involves their son or daughter.

Can parents be informed about students' violation of alcohol and controlled substance rules?

Yes. APSU is permitted to inform parents of students under the age of 21 of any violation of law or policy concerning the use or possession of alcohol or a controlled substance.

Can a school disclose law enforcement unit records to parents and the public?

Austin Peay may disclose information from "law enforcement unit records" to anyone — including parents or federal, State, or local law enforcement authorities — without the consent of the eligible student. Many colleges and universities have their own campus security units, just as Austin Peay State University does. Records created and maintained by these units for law enforcement purposes are exempt from the privacy restrictions of FERPA and can be shared with anyone.

When may a school disclose information to parents of dependent students?

Under FERPA, schools may release any and all information to parents, without the consent of the eligible student, if the student is a dependent for tax purposes under the IRS rules or if the student voluntarily provides the University with a waiver providing parents access to educational records.

Can school officials share their observations of students with parents?

Nothing in FERPA prohibits a school official from sharing with parents information that is based on that official's personal knowledge or observation and that is not based on information contained

in an education record. Therefore, FERPA would not prohibit a professor or other school official from letting a parent know of his or her concern about the student based on his or her personal knowledge or observation.

How does HIPAA apply to students' education records?

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a law passed by Congress intended to establish transaction, security, privacy and other standards to address concerns about the electronic exchange of health information. However, the HIPAA Privacy Rule excludes from its coverage those records that are protected by FERPA at school districts and postsecondary institutions that provide health or medical services for students. This is because Congress specifically addressed how education records should be protected under FERPA. For this reason, records that are protected by FERPA are not subject to the HIPAA Privacy Rule and may be shared with parents under the circumstances described above.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the registrar, dean, head of the academic department or other appropriate official, a written request that identifies the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall refer the student to the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student deems inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the University discloses education records without consent to officials of

another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Austin Peay State University to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-4605

Confidentiality and Privacy of Student Records

Directory information concerning students is treated as public information and is released to the public unless otherwise requested by the student. "Directory information" includes the following: the student's name, address, telephone listing, e-mail address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, the most recent previous educational agency or institution attended by the student, and degrees and awards received by a student. The University provides each student the opportunity to restrict disclosure of the designated directory information. The student will be given this opportunity at the beginning of each academic term. (Forms may be obtained from the Office of the Registrar).

A student's right of access to his or her education records includes the right to inspect and review the content of such and obtain copies thereof at a reasonable cost within 45 days of requesting them. The right of access of a student does not include access to:

- (1) Financial records of the parents of the student or any information contained therein;
- (2) Confidential letters and statements or recommendations concerning admission, employment or the receipt of an honor, which were placed in the records prior to January 1, 1975, or concerning which the student has signed a waiver of access;
- (3) Administrative and educational personnel records ancillary thereto, which are in the sole possession of the maker thereof and which are not accessible to any person except a substitute;
- (4) Records of law enforcement officials;
- (5) Records relating exclusively to a person's employment at the institution when the person is not in attendance as a student of the institution and
- (6) Records maintained by professional or paraprofessional health-related personnel which are made in connection with the provision of treatment of a student and not available to persons other than the health-related personnel.

Information concerning educational records which is personally identifiable with a particular student, other than directory information, shall not be released to persons, agencies or organizations other than those hereinafter described unless:

1. There is written consent from the student specifying the records to be released, the reason for the release and to whom the information is to be released, with a copy to the student, if requested, or
2. Such information is furnished in compliance with a judicial order or a subpoena, provided that advance notice of the receipt of the order of subpoena shall be provided to the student prior to compliance if possible. Personally identifiable education records may be released to other school officials of the institution, including members of the faculty, who have legitimate educational interests.

Visit <http://www.apsu.edu/policy/pdf/3024.pdf> for the Confidentiality of Student Records Policy.